

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BMG MUSIC, a New York general partnership;
ATLANTIC RECORDING CORPORATION, a
Delaware corporation; UMG RECORDINGS,
INC., a Delaware corporation; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; and MOTOWN RECORD
COMPANY, L.P., a California limited
partnership,

Plaintiffs,

-against-

JEAN CHA FIRMIN,

Defendant.

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Civil Action No.: 05CV1522 (DGT)

Filed Electronically

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 7, 2005 ★

P.M. _____
TIME A.M. _____

PROPOSED DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the seven sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Fifteen Dollars (\$315.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Weak," on album "It's About Time," by artist "SWV" (SR# 146-905);
- "We Are Family," on album "We Are Family," by artist "Sister Sledge" (SR# 6-182);
- "Rain," on album "Release Some Tension," by artist "SWV" (SR# 249-300);
- "You Gots 2 Chill '97," on album "Back In Business," by artist "EPMD" (SR# 242-277);
- "Beep Me 911," on album "Supa Dupa Fly," by artist "Missy Elliot" (SR# 245-232);
- "One Sweet Day," on album "Daydream," by artist "Mariah Carey" (SR# 215-243);
- "Motownphilly," on album "Cooleyhighharmony," by artist "Boyz II Men" (SR# 212-333);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall

destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: 6/28/05

By: s/David G. Trager
Hon. David G. Trager
United States District Judge